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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,249	07/11/2005	Gerard Queveau	04-623	2941
34704 7590 06/21/2007 BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510			EXAMINER PATEL, KIRAN B	
			ART UNIT 3612	PAPER NUMBER
			MAIL DATE 06/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/517,249

Applicant(s)

QUEVEAU ET AL.

Examiner

Kiran B. Patel

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-25 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-25, 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

Final Rejection (6/11/07)

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 14-25, 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Guckel et al. (6,186,577).

Regarding Claim(s) 14-28, 28, Guckel et al. (6,186,577) discloses the invention as claimed to include a lid 1 which has a front edge and a rear edge, which is hinged on the bodywork of the vehicle and which is locked relative to said bodywork in a releasable manner, both in the vicinity of the front edge and the rear edge, so as to be movable between a closed position and a first open position by pivoting from said front backwards about a rear axis, for allowing the roof to pass from said first position to said second position, and between said closed position and a second open position by pivoting from the rear forwards about a front axis for a rear access to the rear trunk Fig 1-5, and control means Fig 1-5 adapted to open the lid from both said front backwards and rear forwards, and to close the lid, the control means comprising at least one articulated arm 7 which is movable and operated between a retracted position in which the lid is in its closed

position and a first deployed position in which the lid is in its open position, for having said lid pivoted about said rear axis, wherein said at least one articulated arm 7 is further movable and operated between said retracted position and a second deployed position in which the lid is in its open position further to a pivoting about said front axis, so that said deployment of said at least one articulated arm 7 from the retracted position to said second deployed position operates the pivoting of the lid from the rear forwards, about said front axis Fig 1-5; an actuator 10 which is connected to said at least one articulated arm and to the bodywork, and which is adapted to actuate the articulated arm 7, wherein said at least one articulated arm further operates the pivoting of the lid from said rear forwards, about said front axis, by being actuated by said actuator to be deployed from said retracted position to a second deployed position in which the lid is in said open position further to having pivoted from said rear forwards, about said front axis Fig 1-5; said at least one articulated arm 4 is articulated on the lid about a first axis which is spaced apart from the front axis Fig 1-5; wherein said first axis is further spaced apart from the rear axis Fig 1-5; a top rod 4 connected, in the vicinity of a top end, to the lid, in a manner such as to pivot about a top axis transverse to the longitudinal axis of the vehicle, and a bottom rod 7 connected, in the vicinity of a bottom end, to the bodywork, in a manner such as to pivot about a bottom axis transverse to said longitudinal axis of the vehicle, and, in the vicinity of a top end, to said bottom end of the top rod in a manner such as to pivot about an intermediate hinge axis 6 transverse to said longitudinal axis, said intermediate hinge axis being situated further forward than a straight line that interconnects said bottom and top hinge axes, when the lid is open backwards, the top axis being

longitudinally situated between the front edge and the rear edge of the lid Fig 1-5; said at least one articulated arm comprises: a top rod 4 connected, in the vicinity of a top end, to the lid, in a manner such as to pivot about a top axis transverse to the longitudinal axis of the vehicle Fig 1-5, and a bottom rod 7 connected, in the vicinity of a bottom end, to the bodywork, in a manner such as to pivot about a bottom axis transverse to said longitudinal axis of the vehicle, and, in the vicinity of a top end, to said bottom end of the top rod in a manner such as to pivot about an intermediate hinge axis 6 transverse to said longitudinal axis Fig 1-5, and said at least one articulated arm defines, at said intermediate hinge axis 6, an angle pointing forwards when the lid is in its closed position and when said lid is in either of its open backwards and forwards positions Fig 1-5; said at least one articulated arm comprises: a top rod 4 connected, in the vicinity of a top end, to the lid, in a manner such as to pivot about a top axis transverse to the longitudinal axis of the vehicle Fig 1-5, and a bottom rod 7 connected, in the vicinity of a bottom end, to the bodywork, in a manner such as to pivot about a bottom axis transverse to said longitudinal axis of the vehicle, and, in the vicinity of its top end, to said bottom end of the top rod in a manner such as to pivot about an intermediate hinge axis 6 transverse to said longitudinal axis Fig 1-5, and said intermediate hinge axis 6 is situated further backward than a straight line that interconnects the bottom and the top axes, when the lid is open forwards, and the top axis is situated between the front edge and the rear edge of the lid Fig 1-5; said at least one articulated arm comprises: a top rod 4 connected, in the vicinity of a top end, to the lid, in a manner such as to pivot about a top axis transverse to the longitudinal axis of the vehicle Fig 1-5, and a bottom rod 7 connected, in the vicinity of a bottom end, to

the bodywork, in a manner such as to pivot about a bottom axis transverse to said longitudinal axis of the vehicle, and, in the vicinity of a top end, to said bottom end of the top rod 4 in a manner such as to pivot about an intermediate hinge axis 6 transverse to said longitudinal axis Fig 1-5, the rear trunk is laterally delimited by side walls of the bodywork, each having upwardly a top edge Fig 1-5, when the lid is open as backwards as forwards, an opening plane of the rear trunk is defined by said top edges of the side walls Fig 1-5, and said at least one articulated arm is arranged so that, when the lid is open as backwards as forwards, the top end of the bottom rod is situated above said opening plane of the rear trunk Fig 1-5; wherein said at least one articulated arm is arranged such that, when the lid is open as backwards as forwards, a projection of the top rod in the opening plane extends beyond a perimeter defined by said top edges of the side walls Fig 1-5; said at least one articulated arm comprises: a top rod 4 connected, in the vicinity of a top end, to the lid, in a manner such as to pivot about a top axis transverse to the longitudinal axis of the vehicle Fig 1-5, and a bottom rod 7 connected, in the vicinity of a bottom end, to the bodywork, in a manner such as to pivot about a bottom axis transverse to said longitudinal axis of the vehicle, and, in the vicinity of a top end, to said bottom end of the top rod in a manner such as to pivot about an intermediate hinge axis 6 transverse to said longitudinal axis Fig 1-5, and a bottom end of the bottom rod is hinged to a portion of the bodywork that defines a floor for the rear trunk Fig 1-5; wherein the control means are disposed entirely inside the rear trunk when the lid is in the closed position Fig 1-5; the lid 1 is releasably locked relative to the bodywork through front reversible locking means 12 and through rear reversible locking means 15, said at least one articulated arm 7

is articulated to the lid, remotely from said respective front and rear axes, each of the respective front and rear reversible locking members comprises a first coupling member attached to the lid and a second coupling member attached to the bodywork Fig 1-5, one of said first and second coupling members is mounted to move between: an unlocking position in which, when the lid is in the closed position and has to be opened, it is disposed relative to the other of said coupling members in a manner such that said other coupling member is released from it during opening of the lid Fig 1-5, and a locking position in which, when the lid is in the closed position and has to be left in said closed position, it retains said other coupling member Fig 1-5; wherein the actuator 10 has a predetermined stroke, said at least one articulated arm and said actuator being secured in a hinged manner respectively to the bodywork and to each other at locations arranged so that the stroke of the actuator is substantially identical regardless of the opening of the lid from the rear forwards or from the front backwards Fig 1-5.

### **Response to Arguments**

1. Applicant's arguments filed 5/24/07 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show, teach or suggest certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. operates the pivoting of the roof from the rear forwards, about the front axis 3) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181,

26 USPQ2d 1057 (Fed. Cir. 1993). Balance of the arguments are confusing and not clear and therefore not understood.

**Conclusion**

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The

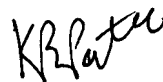


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fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.



Kiran B. Patel, P.E.

Primary Examiner

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June 11, 2007